

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ESTATE OF MICHAEL  
WONDERCHECK, BY BETH  
WONDERCHECK, PERSONAL  
REPRESENTATIVE,

Plaintiff,

v.

STATE OF NEBRASKA, JOHN DOE,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS STATE TROOPER  
OF THE NEBRASKA STATE  
PATROL; CITY OF GERING,  
CITY OF BAYARD, AND SCOTTS  
BLUFF COUNTY; JAMES JACKSON,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS A POLICE OFFICER  
FOR THE CITY OF GERING;  
KRIS STILL, TRENT ZWICKL,  
MARK BLISS, AND DEPUTY  
PERKINS, IN THEIR INDIVIDUAL  
AND OFFICIAL CAPACITIES AS  
DEPUTIES FOR SCOTTS BLUFF  
COUNTY; Z. DOUGLASS,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS POLICY OFFICER  
FOR THE CITY OF BAYARD, NE.,

Defendants.

4:06CV3087

**MEMORANDUM  
AND ORDER**

Several motions in this action are now pending, including motions to dismiss filed by the State of Nebraska defendants (filing 41) and the City of Gering defendants (filing 32) and a motion by the plaintiff for summary judgment against the State and the City of Gering (filing 44). Yesterday I granted a motion by the State for an extension of time in which to respond to the plaintiff's motion for summary judgment against it. (Filing 48.) Now before me is a motion by the City of Gering

(filing 49) for additional time to respond to the motion for summary judgment against it.

Upon consideration of the City of Gering's motion, I find that it should be granted and that the City of Gering should be given until ten days after the entry of an order ruling on its motion to dismiss to respond to the plaintiff's motion for summary judgment. Upon reconsideration of the order I granted yesterday, I find that the State should be given the same extension of time as that I will grant to the City of Gering. As yesterday's order simply granted a ten-day extension without reference to an order ruling on the State's motion to dismiss, I will modify that order.

Accordingly,

IT IS ORDERED that:

1. The motion of the City of Gering (filing 49) for additional time to respond to the motion for summary judgment against it (filing 44) is granted, and it shall have until ten days after the entry of an order ruling on its motion to dismiss (filing 32) to respond to the motion in filing 44; and
2. The order in filing 48 is modified to the following extent: the State of Nebraska shall have until ten days after the entry of an order ruling on its motion to dismiss (filing 41) to respond to the motion in filing 44.

October 3, 2006

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge